

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RAFAEL A. ROQUEMORE,

Plaintiff,

v.

Case No. 09-CV-358

MICHAEL J. ASTRUE,

Defendant.

ORDER

On April 3, 2009, plaintiff Rafael Roquemore filed a complaint pursuant to either 42 U.S.C. § 405(g) or 42 U.S.C. § 1383(c)(3) (it is unclear which) seeking review of the denial by the Commissioner of Social Security ("Commissioner") of his claim for social security benefits. Plaintiff has moved for leave to proceed *in forma pauperis*.

The *in forma pauperis* statute, 28 U.S.C. § 1915, is designed to ensure that indigent litigants have meaningful access to federal courts. See *Neitzke v. Williams*, 490 U.S. 319, 324 (1989). The court may not authorize a litigant to proceed *in forma pauperis* until it determines that the litigant is unable to pay the costs of commencing the action. 28 U.S.C. § 1915(a). If the court concludes that the litigant is unable to pay the costs of commencing the action, the court must then determine the action is neither frivolous nor malicious, does not fail to state a claim upon which relief may be granted, and does not seek money damages against a defendant immune from such relief. 28 U.S.C. § 1915(e)(2).

After reviewing plaintiff's affidavit, the court concludes that plaintiff is unable to pay the costs of commencing this action. Plaintiff has stated that his monthly income is \$200.00, and that he has no savings. He has also stated that he owns no real estate or other valuable property.

The court also finds that plaintiff's claim is neither frivolous nor malicious, and that he has stated a claim upon which relief may be granted. Plaintiff's complaint alleges that the Commissioner's findings were not supported by substantial evidence. Finally, plaintiff is not seeking money damages against a defendant immune from such relief.

Accordingly,

IT IS ORDERED that the plaintiff's motion for leave to proceed *in forma pauperis* be and the same is hereby **GRANTED**.

Dated at Milwaukee, Wisconsin, this 27th day of April, 2009.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J.P. Stadtmueller", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke extending to the right.

J.P. Stadtmueller
U.S. District Judge v